

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13279 OF 2018

DATED :18.04.2018

Between :

Thogaru Srinivasa Rao, S/o.Raja Ratnam,
Aged 64 yrs, R/o.D.No.3-88/1, Prashanti Nilayam,
Chinaganjam Post, Prakasam District.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Department of Revenue, Secretariat Buildings,
Amaravathi at Velagapudi, Guntur District & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

2. This writ petition is filed challenging the show cause notice dated 31.03.2018, alleging that petitioner is in possession of land assigned to landless poor person under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act, 1977'). Therefore, subsequent purchase made and possession is illegal.

3. It is not disputed that the Tahsildar is competent to issue notice under the Act, 1977, whenever it comes to his knowledge of violation of conditions of assignment.

4. Learned counsel for the petitioner sought to contend that petitioner is a bonafide purchaser and there were earlier two sale transactions. He further submits that after the purchase made by the petitioner, he has developed the property by spending huge money. Therefore, at this stage, petitioner cannot be thrown out on mere ground that in violation of assignment conditions, sale was made earlier. These are all matters for consideration by the competent authority. Even before an explanation is filed and decision is made by the Tahsildar on consideration of the explanation, petitioner could not have invoked the jurisdiction of this Court challenging the show cause notice, more so, when the Tahsildar is competent to issue such show cause notice. Thus, the

Court is not inclined to entertain the writ petition at this stage. Thus, the Writ Petition is dismissed.

5. At this stage, learned counsel would submit that in view of the background of litigation and as show cause notice is motivated no useful purpose would be served by filing the explanation. At this stage, Court cannot appreciate this contention. It is open to the petitioner to file explanation in response to the said show cause notice issued. If such explanation is filed by petitioner within two weeks from today, the Tahsildar shall consider the same and pass reasoned order and communicate the same to the petitioner. If the explanation is filed within the time granted, till the explanation is considered and reasoned order is passed, petitioner shall not be dispossessed from the subject land. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

18th April, 2018
Rds

P.NAVEEN RAO,J